

JUL 11 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ROGELIO OLVERA-FLORES,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 06-72709

Agency No. A38-816-066

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted July 1, 2008^{**}

Before: WALLACE, HAWKINS and THOMAS, Circuit Judges.

Rogelio Olvera-Flores, a native and citizen of Mexico, petitions for review
of the Board of Immigration Appeals' order dismissing his appeal from an

^{*} This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

immigration judge's order denying his motion to reopen. We dismiss the petition for review.

We lack jurisdiction to review the agency's decision not to exercise its sua sponte authority to reopen proceedings under 8 C.F.R. § 1003.2(a). *See Ekimian v. INS*, 303 F.3d 1153, 1159 (9th Cir. 2002).

PETITION FOR REVIEW DISMISSED.